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Legal Instruments Examiner

Business Phone (571) 272-0568  
Telecopier Phone: (571) 273-8300  
From: Rick D. Nydegger  
Comments: Please see attached.  
Docket No.: 7678.576a.1  
Serial No.: 10/382,259

\*\*\*\*\*  
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SEP 09 2005

PATENT APPLICATION  
Docket No. 7678.576a.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian Algar

Serial No.:

10/069,143

Filed:

July 25, 2002

For:

A GLASS COMPOSITION

Confirmation No.:

7688

Examiner:

Unknown

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) Art Unit  
) 1614  
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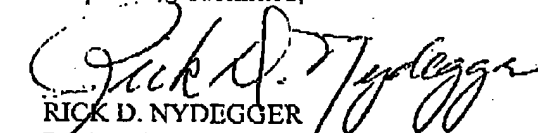
Sir:

I hereby certify that this paper is being transmitted via facsimile from fax (801) 328-1707 to the Patent and Trademark Office to phone no. (571) 273-8300 (Formal Fax No.) on the date shown below.

- Transmittal Letter (2 pages)
- Supplemental Preliminary Amendment "B" (12 pages)
- Copy of Notice of Non-Compliant Amendment (2 pgs)

Dated this 9 day of September, 2005.

Respectfully submitted,

  
RICK D. NYDEGGER  
Registration No. 28,651WORKMAN NYDEGGER  
Attorneys for Applicant  
Customer No. 022913

m0000005657V001

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Unknown

TRANSMITTAL OF RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Attention: Daveina B. Williams

Sir:

In response to the Notice of Non-Compliant Amendment Under 37 CFR  
 1.121 (mailed August 16, 2005), please find enclosed herewith the Supplemental  
 Preliminary Amendment B for the above-identified application. A return copy of  
 the Notice under 37 CFR 1.251 is also enclosed.

  X   No additional fee is required.



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VERNON R. RICE, S.  
 COUNSEL

\* Admitted only in California  
 \* Admitted only in Virginia

X The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

Dated this 9 day of September, 2005.

Respectfully submitted,



RIK D. NYDEGGER  
Registration No. 28,651

WORKMAN NYDEGGER  
Attorneys for Applicant  
Customer No. 022913

RDN:rc  
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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 7/19/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☒ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72
  - ☒ B. Other clean copy of abstract include markings
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Please see attachment

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/mpep/dapp/cpln/procpnotice/office/flyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(e)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Dorena B. [Signature]  
Legal Instruments Examiner (LIE)

(571) 272-0568  
Telephone No.

S.N. 10/069,143

**Pre-Amendment B**

If the amendment adds, changes, or deletes any claim, a listing of all claims that are, or were, in the application, must be provided as follows:

The claims must be listed in ascending numerical order

The text of all pending claims including withdrawn claims must be presented; no text for "canceled" or "not entered" claims

A status identifier must be presented in parentheses after the claim number for each claim.

Claims 2-5, 7, etc. were not include in the Pre-Amendment (B) dated 07/19/05. Please resubmit the Pre-Amendment incorporating all necessary changes.

Abstract: Clean copy of Abstract includes markings.

Daveina B. Williams  
Legal Instrument Examiner

(571) 272-0568